

Right of a citizen to drive & travel on a public street with freedom from police interference.

Under the constitutional guarantee of liberty one may, under normal conditions, move at his or her own inclination along the public highways or in public places, and while conducting himself or herself in an orderly and decent manner, neither interfering with nor disturbing another's rights, one will be protected, not only in his or her person, but in his or her safe conduct.¹ For example, the right of a citizen to drive on a public street with freedom from police interference, unless he or she is engaged in suspicious conduct associated in some manner with criminality, is a fundamental constitutional right.² However, the liberty of each individual in a public vehicle or public place is subject to reasonable limitations in relation to the rights of others.³ 16A Am. Jur. 2d Constitutional Law § 624. "Rights in public vehicles and places for purposes of liberty interest of Due Process Clause" 2021 Update.

A "public vehicle" is defined as "[a] vehicle seeking employment from the general public." Webster's New International Dictionary 2005 (2d ed. 1956). A "public vehicle" is a for hire vehicle. The use of highways for the purpose of transporting persons or property for hire, by the ordinary means, is incidental to and consistent with the primary purpose of their establishment, and is therefore a proper use, in the absence of any restrictive regulation.¹ Such use is not, however, one which may be exercised as of right, but is a special or permissive use.² 7A Am. Jur. 2d Automobiles § 13 American Jurisprudence, Vehicles engaged in transportation for hire. February 2021 Update. The State claims driving is a special or permissive use a privilege. However, to drive one's own car to travel about, isn't the same as driving public vehicles for hire.

The constitutional freedom to travel includes the freedom to enter and abide in any state in the Union.¹ However, the means or mode of traveling may be subjected to reasonable regulations.² State law implicates the constitutional right to travel when it actually deters such travel, when impeding travel is its primary objective, or when it uses any classification which it serves to penalize exercise of that right. 8 16A Am. Jur. 2d Constitutional Law § 623. Update 2021. The right to travel is a fundamental right, reasonable regulations; Is merely safe operation, can't run stop signs, exceed speed limits, or disregard traffic signals; license would deter such travel, & impeded travel cause classification of licensed and unlicensed. Accordingly, restrictions on the right to travel cannot be dismissed by asserting that the right to travel can be fully exercised if the individual first gives up membership in a given association. 16D C.J.S. Constitutional Law § 2125. Due process considerations with respect to right to travel Westlaw. © 2021. This would include leaving the unlicensed group classification to become licensed. A constitutional provision must never be construed in such a manner as to make it possible for the will of the people to be frustrated or denied.¹² 16 Am. Jur. 2d Constitutional Law § 64. 2021 Update

If a constitutional provision has received a settled judicial interpretation and is incorporated into a new constitution, it will be presumed to have been retained with knowledge of the previous construction and courts will be bound to adhere thereto.² 16

Am. Jur. 2d Constitutional Law § 90 2021 Update. Conversely, the failure of the legislature to act cannot take away a right constitutionally granted.⁹ 16 Am. Jur. 2d Constitutional Law § 102. 2021 Update.

A state may lawfully exercise its police power to protect the public health, safety, welfare, and morals by promulgating laws and regulations that reasonably regulate occupations.¹ However, an overbroad statute violates substantive due process by depriving a person of a constitutionally protected interest through means which are not rationally related to a valid state objective because it sweeps unnecessarily broadly.² The right of an individual to engage in any of the common occupations of life is among the several fundamental liberties protected by the Due Process and Equal Protection Clauses of the 14th Amendment.³ However, neither the federal nor any state constitution secures to any person the liberty to conduct a business so as to injure the public at large or any substantial group.⁴ A statute constitutionally can prohibit an individual from practicing a lawful profession only for reasons related to the individual's fitness or competence to practice that profession.⁵ Before the police power of the state is used to prohibit the conduct of an individual as unprofessional, offending actions that do not fall clearly within the scope of the proscription must be explicitly defined as wrongful.⁶ 16A Am. Jur. 2d Constitutional Law § 356 Regulation of occupations pursuant to police power, generally. 2021

The right to travel is a part of the liberty of which a person cannot be deprived without due process of law. The right to travel is a fundamental right¹ and a part of the liberty of which a person cannot be deprived without due process of law² and is closely related to the rights of free speech and association.³ It enjoys a unique and protected place in our national heritage⁴ and is an important aspect of a citizen's liberty under the Fifth Amendment⁵ and the Fourteenth Amendment.⁶ Accordingly, restrictions on the right to travel cannot be dismissed by asserting that the right to travel can be fully exercised if the individual first gives up membership in a given association. 16D C.J.S. Constitutional Law § 2125. Due process considerations with respect to right to travel Westlaw. © update 2021 An individual's right to personal liberty is a fundamental right for equal protection purposes.¹ Other recognized fundamental rights, for purposes of equal protection analysis, include the right to vote, the right of interstate travel. 16C C.J.S. Constitutional Law § 1599. Civil or personal rights Westlaw. © 2021. The right of interstate travel is a basic or fundamental right recognized and guaranteed by the Constitution. 16A C.J.S. Constitutional Law § 786 Interstate travel Westlaw. © 2021. The people further have the unalienable right to use the streets and public places. Additionally, the guaranty of the rights and immunities of a citizen insures to him or her the privilege of having those rights and immunities judicially declared and protected. 16A C.J.S. Constitutional Law § 1207. Fourteenth Amendment February 2021.

The word "constitution" means a declaration of fundamental laws or principles for the government of a nation or state.¹ A constitution is the fundamental law by which all people of the state are governed;² it is the basic charter of state governance.³ A state constitution receives its force from the express will of the people⁴ and is the

embodiment of the will of the people⁵ regarding the limits on governmental power.⁶ The legitimacy of any constitution is derived primarily from the consent of those agreeing to be bound by it.⁷ Where a constitution asserts a certain right or lays down a certain principle of law or procedure, it speaks for the entire people as their supreme law.⁸ Whatever the constitution prescribes, the general assembly, and every officer or citizen to whom the mandate is addressed, must do, and whatever it prohibits, the general assembly, and every officer and citizen, must refrain from doing.⁹ The government has broad powers, but the means it uses to achieve its ends must be consistent with the letter and spirit of the constitution.¹⁰ A strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way.¹¹ The powers granted under the Constitution are not infinite; the power the Constitution grants, it also restrains.¹² Although a constitution may be either written (as in the case of the United States) or unwritten (as in the case of Great Britain), the word "constitution," as applied to the organization of our federal and state governments, always implies a written document which is understood to have been enacted by the direct action of the people.¹³ A constitution is a fundamental document, which, in recognizing citizens' rights and establishing government, provides essential checks and balances whose complexity is to be neither undervalued nor disregarded.¹⁴ 16 Am. Jur. 2d Constitutional Law § 1 2021 Update.

The principal features of the American system of government established by the United States Constitution include representative government,⁹ dual government involving both state and federal aspects,¹⁰ the securing of individual rights^{§ 8.} Purpose, application, and effect of United States..., and privileges through constitutional restrictions,¹¹ and a separation of powers among the legislative, executive, and judicial branches of either government, as well as between the governments themselves.¹² The Constitution of the United States was ordained and established not by the states in their sovereign capacities but, as the Preamble to the Constitution declares, by the people of the United States¹³ and was adopted as their voluntary act for their own protection.¹⁴ It was particularly intended to affect individuals rather than states.¹⁵ citing: 16 Am. Jur. 2d Constitutional Law § 8. 2021 Update

In the United States, the Congress and all of its members, as well as the President of the United States,¹¹ all state¹² and federal officials, and all state and federal courts and judges¹³ are as bound by the United States Constitution as are ordinary citizens. 16 Am. Jur. 2d Constitutional Law § 6 2021 Update.